

260369

MARAD-2003-16513-3

DEPT. OF TRANSPORTATION
BOATS

REQUEST FOR ADMINISTRATIVE WAIVER OF THE JONES ACT - Public Law 105-383,
Title V

2003-MAY-21-12:40

1. NAME OF THE VESSEL: Lucky Lady

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2. OWNER INFORMATION:

NAME: William B. Moore

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3. VESSEL OFFICIAL NUMBER (or HIN, OR STATE No.): 1075698

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4. DATE OF VESSEL CONSTRUCTION: 1998

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5. PLACE OF CONSTRUCTION: Pasir Gudang Johor, Malaysia

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6. SIZE, CAPACITY AND TONNAGE OF THE VESSEL (STATE WHETHER TONNAGE IS
MEASURED PURSUANT TO 46 U.S.C. 14502, OR OTHERWISE, AND IF OTHERWISE, HOW
MEASURED)

SIZE: 43.2 feet

TONNAGE: 32 GRT

CAPACITY: 8

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Yes:

No: ON

Other: See note Note 1 below

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7. INTENDED COMMERCIAL USE OF VESSEL: I have retired after a career in the US Navy. My current age is 67 so this waiver would only be used for 2 and possibly 3 years. My wife and I live on San Juan Island in Washington State where we run a guesthouse to supplement our retirement income. My primary commercial enterprise will remain the operation of the guesthouse, which only has accommodations for one family at a time. This last year (2003), I had 7 families visit and stay in the guesthouse. I currently own a foreign made boat, which I would like to be able to use with my guests and have them share in the boat's expenses. The vast majority of my cruising would be into Canadian waters and into Canadian ports which would seem to not be in conflict with the intent of the Jones act which addresses operations between US ports. In the four years I have had guests at my residence and guesthouse, none of the relatives or guests have ever used any of the commercial charter boat businesses available in the area. Return guests represent over 90% of my business.

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8. GEOGRAPHIC REGION OF INTENDED OPERATION AND TRADE: Puget Sound and Western Canadian Waters

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9. A STATEMENT ON THE IMPACT THIS WAIVER WILL HAVE ON OTHER COMMERCIAL PASSENGER VESSEL OPERATORS, INCLUDING A STATEMENT DESCRIBING THE OPERATIONS OF EXISTING OPERATORS: Commercial passenger operations on the island really fall into three main categories. The majority of commercial operators engage in fishing charters. Since my boat is not a fishing boat, is not rigged for fishing and I can truly attest to the fact that it will not be used for fishing or fishing charters, this waiver will have no impact on this industry. In fact I have never used the boat for fishing. The second category is whale watching. I will not use this boat for whale watching tours; it will be used only for my guests to cruise in Puget Sound and mainly in Canadian waters (for example, visits to Sidney, Canada). The third category is boat rentals for cruising. There is one

significant charter boat service on the island, which rents both US boats with or without operators and foreign made boats without operators, which is lawful under the Jones Act. Their office in the San Juan's is a satellite office since they have operations all over the Puget Sound area. The impact on this business by my "Mom and Pop" operation would be negligible, probably non-existent, since none of my guests in 4 years have ever used the services of a charter boat during their visits. I will also attest to the fact that I will not charter my boat through an outside business or any other commercial enterprise thereby possibly being a detriment to US made boats in the charter business. Nor will I charter my boat out to other operators to use in the area, which also could "conceivably" impact other commercial operations in the area. I would note that this waiver has been granted to other foreign made boats in Puget Sound. In summary this waiver will have no conceivable effect on other commercial operations in the Puget Sound area.

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10. A STATEMENT ON THE IMPACT THIS WAIVER WILL HAVE ON U.S. SHIPYARDS: I have no connection in anyway with any foreign boat or U.S. manufactures nor will I assume any such arrangement in the future. U.S. boat manufacturers of boats that approximate the size and class of my boat are located in California. If this waiver were not granted for some reason, I would not attempt to buy an U.S. made boat. Therefore due to short time span that I intend to use this waiver, this waiver will have no effect on U.S. shipyards.

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11. BY SUBMITTING THIS INFORMATION YOU ARE DEEMED TO HAVE CERTIFIED THAT THE ABOVE INFORMATON IS TRUE AND CORRECT:

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